Earle C. Cooley COOLEY, MANION, MOORE & JONES, P.C. 21 Custom House Street Boston, MA 02110 3 (617) 737-3100 41 Attorneys for Defendants CHURCH OF SPIRITUAL TECHNOLOGY, RELIGIOUS TECHNOLOGY CENTER 5 6 Laurie J. Bartilson BOWLES & MOXON 7 6255 Sunset Boulevard, Suite 2000 RECEIVED Hollywood, CA 90028 8 (213) 661-4030 AUG 28 1992 9 Attorneys for Defendants CHURCH OF SPIRITUAL TECHNOLOGY, HUB LAW OFFICES 10 CHURCH OF SCIENTOLOGY INTERNATIONAL 11 12 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA 13 VICKT J. AZNARAN and) CASE No. CV 88-1796 JMI (Ex) RICHARD N. AZNARAN,) DEFENDANTS' EX PARTE APPLICATION FOR 15 Plaintiffs,) RELIEF FROM THE COURT'S ORDER CUTTING) OFF MOTION PRACTICE; MEMORANDUM OF 16) POINTS AND AUTHORITIES AND VS.) DECLARATION OF HELENA K. KOBRIN 17 CHURCH OF SCIENTOLOGY OF) IN SUPPORT THEREOF CALIFORNIA, et al., 18 Defendants. 19 To Be Determined DATE: 20. AND RELATED COUNTERCLAIM. TIME: To Be Determined CRTRM: Hon. James M. Ideman 21 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD: 22 PLEASE TAKE NOTICE that defendants and counterclaimants 23 Religious Technology Center, Church of Scientology International, 241 and Church of Spiritual Technology (collectively, "defendants") 25 hereby apply to the Court for an order granting them relief from 261 the Court's earlier order ending all motion practice in this 27

action.

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The ground for this application is that defendants seek to file a motion dealing not with the pre-trial proceedings of this case, but with the question of recusal in response to an order just issued by the Court recusing himself in another case. one will be prejudiced by consideration of defendants' motion at this time.

This application is based upon Local Rule 7.18, this notice, the attached memorandum of points and authorities, the declaration of Helena K. Kobrin, all of the pleadings and papers on file in this action, and such oral and documentary evidence as will be presented at the hearing on this motion.

Dated: August 28, 1992

Respectfully submitted,

Earle C. Cooley COOLEY, MANION, MOORE & JONES, P.C.

Attorneys for Defendants CHURCH OF SPIRITUAL TECHNOLOGY, RELIGIOUS TECHNOLOGY CENTER

Laurie J. Bartilson Helena K. Kobrin BOWLES & MOXON

Helena K. Kobrin

Attorneys for Defendants CHURCH OF SPIRITUAL TECHNOLOGY, CHURCH OF SCIENTOLOGY

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MEMORANDUM OF POINTS AND AUTHORITIES

Local Rule 7.18 of the Central District permits the filing of applications for <u>ex parte</u> orders. Defendants accordingly file this application seeking leave to file a single motion which asks the Court to recuse itself. On August 19, 1992, the Court issued an order recusing itself in <u>Church of Scientology of California v. Baker</u>, case number CV-90-2042-JMI, based on the Court's relationship to Charles Jeglikowski, a defendant in that case. In that order, the Court stated that it had not been asked to recuse itself on this ground, even though the matter had been brought to the attention of another Court. As Mr. Jeglikowski also has significant involvement with this case and with the plaintiffs, defendants have prepared a recusal motion to bring those facts to the attention of the Court in this case.

Defendants inadvertently filed their motion on August 26, 1992 without seeking leave to file the motion past the motion cut-off. (Declaration of Helena K. Kobrin.) This application is filed to remedy that error and request that the Court relieve defendants of the order ending motion practice in this case for the limited purpose of filing their recusal motion. As the motion was filed with the Court two days ago, defendants do not submit another copy at this time.

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Defendants' counsel has notified plaintiffs' counsel of the filing of this ex parte application. (Declaration of Helena K. Kobrin.)

Dated: August 28, 1992

Respectfully submitted,

Earle C. Cooley COOLEY, MANION, MOORE & JONES, P.C.

Attorneys for Defendants CHURCH OF SPIRITUAL TECHNOLOGY, RELIGIOUS TECHNOLOGY CENTER

Laurie J. Bartilson Helena K. Kobrin BOWLES & MOXON

By:

Helena K. Kobrin

Attorneys for Defendants CHURCH OF SPIRITUAL TECHNOLOGY, CHURCH OF SCIENTOLOGY INTERNATIONAL

DECLARATION OF HELENA K. KOBRIN

- I, HELENA K. KOBRIN hereby declare and state:
- 1. I am a partner in the law firm of Bowles & Moxon, counsel of record for Church of Spiritual Technology and Church of Scientology International, defendants in the above-referenced action. I have personal knowledge of the matters set forth herein and, if called upon to do so, I could and would competently testify thereto.
- 2. The filing of defendants' recusal motion on August 26, 1992 without an <u>ex parte</u> application for relief from the motion cut-off was done inadvertently. When the omission was discovered, we hastened to rectify the error by the filing of this application.
- 3. On August 28, 1992, at approximately 1:30 p.m. I telephoned the offices of Ford Greene and gave him notice that defendants were filing by the close of business today an <u>ex parte</u> application for relief from the Court's order setting a motion cut off for the purpose of filing a recusal motion.

I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 28th day of August, 1992 at Los Angeles, California.

HELENA K. KOBRIN